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H. J. RES. 599

[Report No. 97-581]

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 23 (legislative day, SEPTEMBER 8), 1982

Read twice and referred to the Committee on Appropriations

SEPTEMBER 23 (legislative day, SEPTEMBER 8), 1982

Reported by Mr. HATFIELD, with amendments

[Omit the part struck through and insert the part printed in italic]

JOINT RESOLUTION

Making continuing appropriations for the fiscal year 1983, and
for other purposes.

- 1 *Resolved by the Senate and House of Representatives*
- 2 *of the United States of America in Congress assembled,*
- 3 That the following sums are hereby appropriated, out of any
- 4 money in the Treasury not otherwise appropriated, and out of
- 5 applicable corporate or other revenues, receipts, and funds,
- 6 for the several departments, agencies, corporations, and other
- 7 organizational units of the Government for the fiscal year
- 8 1983, and for other purposes, namely:

1 SEC. 101. (a)(1) Such amounts as may be necessary for
2 continuing projects or activities (not otherwise specifically
3 provided for in this joint resolution) which were conducted in
4 the fiscal year 1982 and for which appropriations, funds, or
5 other authority would be available in the following appropri-
6 ations Acts:

7 Agriculture, Rural Development, and Related
8 Agencies Appropriation Act, 1983;

9 Departments of Commerce, Justice, and State,
10 the Judiciary, and Related Agencies Appropriation
11 Act, 1983;

12 District of Columbia Appropriation Act, 1983;

13 ~~Energy and Water Development Appropriation~~
14 ~~Act, 1983;~~

15 ~~Department of Housing and Urban Develop-~~
16 ~~ment—Independent Agencies Appropriation Act, 1983;~~

17 Department of Transportation and Related Agen-
18 cies Appropriation Act, 1983; and

19 Treasury, Postal Service and General Govern-
20 ment Appropriation Act, 1983.

21 (2) Appropriations made by this subsection shall be
22 available to the extent and in the manner which would be
23 provided by the pertinent appropriation Act.

24 (3) Whenever the amount which would be made availa-
25 ble or the authority which would be granted under an Act

1 listed in this subsection as passed the House as of October 1,
2 1982, is different from that which would be available or
3 granted under such Act as passed by the Senate as of
4 October 1, 1982, the pertinent project or activity shall be
5 continued under the lesser amount or the more restrictive
6 authority: *Provided*, That where an item is included in only
7 one version of an Act as passed by both Houses as of October
8 1, 1982, the pertinent project or activity shall be continued
9 under the appropriation, fund, or authority granted by the
10 one House, but at a rate for operations of the current rate or
11 the rate permitted by the action of the one House, whichever
12 is lower, and under the authority and conditions provided in
13 applicable appropriation Acts for the fiscal year 1982: *Pro-*
14 *vided further*, That for the purposes of this joint resolution,
15 when an Act listed in this subsection has been reported to the
16 House *or the Senate* but not passed by ~~the~~ *that* House as of
17 October 1, 1982, it shall be deemed as having been passed by
18 ~~the~~ *that* House.

19 (4) Whenever an Act listed in this subsection has been
20 passed by only ~~the one~~ House as of October 1, 1982, the
21 pertinent project or activity shall be continued under the ap-
22 propriation, fund, or authority granted by ~~the~~ *that* House, but
23 at a rate for operations of the current rate or the rate permit-
24 ted by the action of ~~the~~ *that* House, whichever is lower, and

1 under the authority and conditions provided in applicable ap-
2 propriation Acts for the fiscal year 1982.

3 (5) No provision which is included in an appropriation
4 Act enumerated in this subsection but which was not includ-
5 ed in the applicable appropriation Act of 1982, and which by
6 its terms is applicable to more than one appropriation, fund,
7 or authority shall be applicable to any appropriation, fund, or
8 authority provided in the joint resolution unless such provi-
9 sion shall have been included in identical form in such bill as
10 enacted by both the House and the Senate.

11 (b) Such amounts as may be necessary for continuing
12 the following activities, not otherwise provided for, which
13 were conducted in the fiscal year 1982, under the current
14 terms and conditions and at a rate to maintain current oper-
15 ating levels:

16 activities under the purview of the Departments
17 of Labor, Health and Human Services, and Education,
18 and Related Agencies Appropriation Act, 1982, as pro-
19 vided for in Public Law 97-92; and

20 ~~activities~~ activities, including those activities con-
21 ducted pursuant to section 167 of the Energy Policy
22 and Conservation Act of 1975 (Public Law 94-163),
23 as amended, for which provision was made in the De-
24 partment of the Interior and Related Agencies Appro-
25 priation Act, 1982: *Provided, That no programs or*

1 facilities funded therein may be terminated unless such
2 termination is specifically approved in the appropri-
3 ations process, including reprogramming.

4 (c) Such amounts as may be necessary for continuing
5 activities which were conducted in the fiscal year 1982, for
6 which provision was made in the Department of Defense Ap-
7 propriation Act, 1982, under the current terms and condi-
8 tions and at a rate for operations not in excess of the current
9 rate until such time that the Department of Defense Appro-
10 priation Act, 1983, is reported in or subsequently passed by
11 the House of Representatives, whereupon such amounts as
12 may be necessary shall become available at a rate for oper-
13 ations for activities and under the terms and conditions as
14 provided for in such appropriation Act for the fiscal year
15 1983, as reported in or passed by the House of Representa-
16 tives: *Provided*, That no appropriation or fund made available
17 or authority granted pursuant to this paragraph shall be used
18 to initiate or resume any project or activity for which appro-
19 priations, funds, or other authority were not available during
20 the fiscal year 1982 until such time that the Department of
21 Defense Appropriation Act, 1983, is reported in or subse-
22 quently passed by the House of Representatives: *Provided*
23 *further*, That no appropriation or fund made available or au-
24 thority granted pursuant to this paragraph shall be used to
25 initiate multiyear procurements utilizing advance procure-

1 ment funding for economic order quantity procurement unless
2 specifically appropriated later except for the following pro-
3 grams and amounts: AN/ALQ-136 Radar Jamming Sys-
4 tems, \$14,500,000; NATO Seasparrow Ordalt Kits,
5 \$33,000,000: *Provided further*, That none of the funds ap-
6 propriated or made available pursuant to this paragraph shall
7 be obligated or expended for a special classified program au-
8 thorized in section 109 of the Department of Defense Au-
9 thorization Act, 1983 (Public Law 97-252): *Provided fur-*
10 *ther*, That none of the funds appropriated or made available
11 pursuant to this paragraph for the pay of members of the
12 uniformed services shall be available to pay any member of
13 the uniformed services a variable housing allowance pursuant
14 to section 403(a)(2) of title 37, United States Code, in an
15 amount that is greater than the amount which would have
16 been payable to such member if the rates of basic allowance
17 for quarters for members of the uniformed services in effect
18 on September 30, 1982, had been increased by 8 percent on
19 October 1, 1982: *Provided further*, That none of the funds
20 appropriated or made available pursuant to this paragraph
21 shall be available for the conversion of any full time positions
22 in support of the Army Reserve, Air Reserve, Army National
23 Guard, and Air National Guard by Active or Reserve Mili-
24 tary Personnel, from civilian positions designated "military
25 technicians" to military positions: *Notwithstanding any other*

1 *provision of this joint resolution, except section 102, such*
2 *amounts as may be necessary for continuing projects and*
3 *activities under the terms and conditions and to the extent*
4 *and in the manner as provided in the Department of Defense*
5 *Appropriations Act, 1983, (S. 2951) as reported to the*
6 *Senate on September 23, 1982.*

7 (d) ~~Such amounts as may be necessary for continuing~~
8 ~~the activities of the Foreign Assistance Appropriations Act of~~
9 ~~1982, Public Law 97-121, under the terms and conditions,~~
10 ~~and at the rate, provided for in that Act or at the rate pro-~~
11 ~~vided for in the budget estimates, whichever is lower, and~~
12 ~~under the more restrictive authority, Such amounts as may~~
13 *be necessary for continuing projects and activities (not other-*
14 *wise specifically provided for in this joint resolution) which*
15 *were conducted in fiscal year 1982 and for which appropri-*
16 *ations, funds, or other authority would be available in the*
17 *Foreign Assistance Appropriations Act, 1983, under the cur-*
18 *rent terms and conditions and at a rate for operations of the*
19 *current rate notwithstanding section 10 of Public Law 91-*
20 *672, and section 15(a) of the State Department Basic Au-*
21 *thorities Act of 1956, or any other provision of law: Pro-*
22 *vided, That amounts allocated to each country under this*
23 *paragraph shall not exceed those provided in fiscal year 1982*
24 *unless submitted through the regular reprogramming proce-*
25 *dures of the Committees on Appropriations:—Provided fur-*

1 ~~ther~~, That economic and military assistance shall be available
2 to Israel at the rate provided by, and under the terms and
3 conditions of, Public Law 97-113.

4 (e) Notwithstanding the provisions of section 102 of this
5 joint resolution, such amounts as may be necessary for con-
6 tinuing projects and activities under all the conditions and to
7 the extent and in the manner as provided in H.R. 7073 enti-
8 tled the Legislative Branch Appropriation Act, 1983, as re-
9 ported September 9, 1982, and the provisions of H.R. 7073
10 shall be effective as if enacted into law; except that the provi-
11 sions of section 307 (a), (b), and (d) of H.R. 7073 shall apply
12 to any appropriation, fund or authority made available for the
13 period October 1, 1982, through February 28, 1983, by this
14 or any other Act. *Such amounts as may be necessary for*
15 *continuing projects and activities under all the conditions*
16 *and to the extent and in the manner as provided in S. 2939,*
17 *entitled the Legislative Branch Appropriation Act, 1983, as*
18 *reported September 22, 1982, and the provisions of S. 2939*
19 *shall be effective as if enacted into law.* Notwithstanding any
20 other provision of this joint resolution, for payment to Patri-
21 cia Ann Benjamin, wife of Adam Benjamin, Junior, late a
22 Representative from the State of Indiana, \$60,663.

23 (f) Such amounts are available as may be necessary for
24 projects or activities provided for in H.R. 6968, the Military
25 Construction Appropriations Act, 1983, as passed the House

1 on August 19, 1982, at a rate for operations and to the
2 extent and in the manner provided for in such Act: *Provided,*
3 *That whenever the amount which would be made available or*
4 *the authority which would be granted in this subsection is*
5 *different from that which would be available or granted under*
6 *such Act for each pertinent project or activity, as reported to*
7 *the Senate on September 22, 1983, the pertinent project or*
8 *activity shall be continued under the lesser amount or the*
9 *more restrictive authority.*

10 (g) *Notwithstanding any other provision of this joint*
11 *resolution such amounts as may be necessary for continuing*
12 *projects and activities under all the conditions and to the*
13 *extent and in the manner as provided in H.R. 6956, entitled*
14 *the HUD-Independent Agencies Appropriations Act, 1983,*
15 *as reported September 16, 1982, to the Senate and the provi-*
16 *sions of H.R. 6956 shall be effective as if enacted into law.*

17 (h) *Such amounts as may be necessary for continuing*
18 *activities which were conducted in fiscal year 1982, for*
19 *which provision was made in the Energy and Water Devel-*
20 *opment Act, 1982, at the current rate of operations: Provided,*
21 *That no appropriation, fund or authority made available by*
22 *this joint resolution or any other Act may be used directly or*
23 *indirectly to significantly alter, modify, dismantle, or other-*
24 *wise change the normal operation and maintenance required*
25 *for any civil works project under Department of Defense—*

1 *Civil, Department of the Army, Corps of Engineers—Civil,*
2 *Operation and Maintenance, General, and the operation and*
3 *maintenance activities funded in Flood Control, Mississippi*
4 *River and Tributaries: Provided further, That no appropri-*
5 *ation or fund made available or authority granted pursuant*
6 *to this paragraph shall be used to initiate or resume any*
7 *project or activity for which appropriations, funds, or other*
8 *authority were not available during the fiscal year 1982:*
9 *Provided further, That no appropriation, fund or authority*
10 *made available to the Department of Energy by this joint*
11 *resolution or any other Act, shall be used for any action*
12 *which would result in a significant reduction of the employ-*
13 *ment levels for any program or activity below the employment*
14 *levels in effect on September 30, 1982.*

15 SEC. 102. Appropriations and funds made available and
16 authority granted pursuant to this joint resolution shall be
17 available from October 1, 1982, and shall remain available
18 until (a) enactment into law of an appropriation for any
19 project or activity provided for in this joint resolution, or (b)
20 enactment of the applicable appropriation Act by both
21 Houses without any provision for such project or activity, or
22 (c) ~~February 28, 1983~~ December 22, 1982, whichever first
23 occurs.

24 SEC. 103. Appropriations made and authority granted
25 pursuant to this joint resolution shall cover all obligations or

1 expenditures incurred for any project or activity during the
2 period for which funds or authority for such projects or activi-
3 ty are available under this joint resolution.

4 SEC. 104. Expenditures made pursuant to this joint res-
5 olution shall be charged to the applicable appropriation, fund,
6 or authorization whenever a bill in which such applicable ap-
7 propriation, fund, or authorization is contained is enacted into
8 law.

9 SEC. 105. Any appropriation for the fiscal year 1983
10 required to be apportioned pursuant to section 665 of title 31,
11 United States Code, may be apportioned on a basis indicating
12 the need (to the extent any such increases cannot be absorbed
13 within available appropriations) for a supplemental or defi-
14 ciency estimate of appropriation to the extent necessary to
15 permit payment of such pay increases as may be granted pur-
16 suant to law to civilian officers and employees and to active
17 and retired military personnel. Each such appropriation shall
18 otherwise be subject to the requirements of section 665 of
19 title 31, United States Code.

20 SEC. 106. In accordance with Public Law 97-257 of
21 September 10, 1982, not to exceed an annual rate of
22 \$13,500,000 from the fees collected and credited to the "Sal-
23 aries and Expenses" appropriation of the Federal Bureau of
24 Investigation to process fingerprint identification records for
25 noncriminal employment and licensing services, shall be

1 available for salaries and other expenses incurred in provid-
2 ing such services.

3 ~~SEC. 107.~~ Notwithstanding any other provision of this
4 joint resolution except section 102, funding for Department
5 of Energy, National Security Programs (formerly Operating
6 Expenses and Plant and Capital Equipment, Atomic Energy
7 Defense Activities), Bonneville Power Administration Fund
8 (Borrowing Authority), Department of Defense—Civil, De-
9 partment of the Army, Corps of Engineers—Civil, Operation
10 and Maintenance, General, and the operation and mainte-
11 nance activities funded in Flood Control, Mississippi River
12 and Tributaries, shall be at the same levels and subject to the
13 same conditions specified for these activities in the Energy
14 and Water Development Appropriations bill for fiscal year
15 1983 and accompanying report, as reported to the House.

16 ~~SEC. 108~~ 107. Notwithstanding any other provision of
17 this joint resolution, the New England Division of the United
18 States Army Corps of Engineers shall be maintained as a
19 Division with all of the duties and functions of a Division
20 retained and shall not be redesignated a District or any other
21 type office, other than Division.

22 ~~SEC. 109~~ 108. Of amounts appropriated for the Water
23 Resources Council, Water Resources Planning, for prepara-
24 tion of assessments and plans, in Public Law 97-88, not
25 more than \$195,000 shall remain available until expended

1 and shall be available to pay for work performed prior to
2 fiscal year 1982 in support of the Columbia River Estuary
3 Data Development Program, if such work is accepted by the
4 Water Resources Council.

5 ~~Sec. 110. (a)~~ Notwithstanding any other provision of
6 law, no part of any of the funds appropriated for the fiscal
7 year ending September 30, 1983, by this Act or any other
8 Act, may be used to pay any prevailing rate employee de-
9 scribed in section 5342(a)(2)(A) of title 5, United States
10 Code, or an employee covered by section 5348 of that title,
11 in an amount which exceeds—

12 (1) for the period from October 1, 1982, until the
13 next applicable wage survey adjustment becomes effec-
14 tive, the rate which was payable for the applicable
15 grade and step to such employee under the applicable
16 wage schedule that was in effect and payable on Sep-
17 tember 30, 1982; and

18 (2) for the period consisting of the remainder of
19 the fiscal year ending September 30, 1983, a rate
20 which exceeds, as a result of a wage survey adjust-
21 ment, the rate payable under paragraph (1) of this sub-
22 section by more than the overall average percentage of
23 the adjustment in the General Schedule during the
24 fiscal year ending September 30, 1983.

1 (b) Notwithstanding the provisions of section 9(b) of
2 Public Law 92-392 or section 704(b) of the Civil Service
3 Reform Act of 1978, the provisions of subsection (a) of this
4 section shall apply (in such manner as the Office of Personnel
5 Management shall prescribe) to prevailing rate employees to
6 whom such section 9(b) applies, except that the provisions of
7 subsection (a) may not apply to any increase in a wage sched-
8 ule or rate which is required by the terms of a contract en-
9 tered into before the date of enactment of this Act.

10 (c) For the purposes of subsection (a) of this section, the
11 rate payable to any employee who is covered by this section
12 and who is paid from a schedule which was not in existence
13 on September 30, 1982, shall be determined under regula-
14 tions prescribed by the President.

15 (d) The provisions of this section shall apply only with
16 respect to pay for services performed by affected employees
17 after the date of enactment of this Act.

18 (e) For the purpose of administering any provision of
19 law, rule, or regulation which provides premium pay, retire-
20 ment, life insurance, or any other employee benefit, which
21 requires any deduction or contribution, or which imposes any
22 requirement or limitation, on the basis of a rate of salary or
23 basic pay, the rate of salary or basic pay payable after the
24 application of this section shall be treated as the rate of
25 salary or basic pay.

1 ~~SEC. 111. No part of any appropriation contained in, or~~
2 ~~funds made available by this or any other Act, shall be avail-~~
3 ~~able for any agency to pay to the Administrator of the Gener-~~
4 ~~al Services Administration a higher rate per square foot for~~
5 ~~rental of space and services (established pursuant to section~~
6 ~~210(j) of the Federal Property and Administrative Services~~
7 ~~Act of 1949, as amended) than the rate per square foot estab-~~
8 ~~lished for the space and services by the General Services~~
9 ~~Administration for the current fiscal year and for which ap-~~
10 ~~propriations were granted: *Provided*, That no part of any ap-~~
11 ~~propriation contained in, or funds made available by this or~~
12 ~~any other Act, shall be available for any agency to pay to the~~
13 ~~Administrator of the General Services Administration a~~
14 ~~higher rate per square foot for rental space and services (es-~~
15 ~~tablished pursuant to section 210(j) of the Federal Property~~
16 ~~and Administrative Services Act of 1949, as amended) than~~
17 ~~the rate per square foot established for the space and services~~
18 ~~by the General Services Administration for the fiscal year~~
19 ~~1982.~~

20 *SEC. 109. None of the funds provided in this joint reso-*
21 *lution shall be obligated to dispose of any large public land*
22 *tracts, real estate holdings, and lands with national environ-*
23 *mental or economic value until such time as the General*
24 *Services Administration, the Property Review Board, or*
25 *other agencies as required under Executive Order 12348 has*

1 *specifically identified them as no longer being needed by the*
2 *Federal Government; inventoried them as to their public*
3 *benefit values; provided opportunities for public review and*
4 *discussion of the property proposed for disposal; and provided*
5 *notice to the Congress of that property proposed for disposal*
6 *and of plans for carrying out such disposal.*

7 SEC. ~~112~~ 110. Notwithstanding any other provision of
8 this joint resolution *except section 102*, moneys deposited into
9 the National Defense Stockpile Transaction Fund under sec-
10 tion ~~9(b)~~ of the Strategic and Critical Materials Stock Piling
11 Act (~~50 U.S.C. 98h(b)~~) are hereby made available, subject to
12 such limitations as may be provided in appropriation Acts
13 and in section ~~5(a)(1)~~ of such Act, until expended for the
14 acquisition of strategic and critical materials under section
15 ~~6(a)(1)~~ of such Act (and for transportation and other inciden-
16 tal expenses related to such acquisition). This paragraph ap-
17 plies without fiscal year limitation to moneys deposited into
18 the fund before, on, or after October 1, 1982: *Provided, That*
19 *during the fiscal year ending on September 30, 1983, not*
20 *more than \$120,000,000 in addition to amounts previously*
21 *appropriated, may be obligated from amounts in the National*
22 *Defense Stockpile Transaction Fund for the acquisition of*
23 *strategic and critical materials under section 6(a)(1) of the*
24 *Strategic and Critical Materials Stock Piling Act (50 U.S.C.*
25 *98c(a)(1)) and for transportation and other incidental ex-*

1 ~~penses related to such acquisition~~ *for acquisition of strategic*
 2 *and critical materials and for transportation and other inci-*
 3 *dental expenses related to such acquisitions, \$320,000,000,*
 4 *which shall be derived from moneys received in the National*
 5 *Defense Stockpile Transaction Fund established by section 9*
 6 *of the Strategic and Critical Materials Stock Piling Act (50*
 7 *U.S.C. 98h), as amended by Public Law 97-35 (95 Stat.*
 8 *381), and shall remain available until expended: Provided,*
 9 *That of this amount \$200,000,000 shall be obligated for the*
 10 *purchase of domestic copper mined and smelted in the United*
 11 *States after September 30, 1982.*

12 SEC. ~~113~~ 111. Notwithstanding any other provision of
 13 this joint resolution, funds available to the Federal Building
 14 Fund within the General Services Administration may be
 15 used to initiate new construction, purchase, advance design,
 16 and repairs and alteration line-item projects which are includ-
 17 ed in the Treasury, Postal Service and General Government
 18 Appropriation Act, 1983, as reported to the House *or the*
 19 *Senate.*

20 ~~SEC. 114. Funds provided by this joint resolution for~~
 21 ~~costs to continue the implementation of provisions contained~~
 22 ~~in the District of Columbia Statehood Constitutional Conven-~~
 23 ~~tion Initiative (D.C. Law 3-171) shall be applied first toward~~
 24 ~~ensuring voter education on the proposed constitution by (a)~~
 25 ~~printing, by the Statehood Commission, of the proposed con-~~

1 stitution together with objective statements both for and
2 against its provisions as expressed by the Convention dele-
3 gates taking such positions; (b) mailing of this information to
4 the registered voters of the District of Columbia by October
5 15, 1982; and (c) preparing for publication as a public docu-
6 ment a comprehensive legislative history of the proposed con-
7 stitution.

8 SEC. ~~115~~ 112. Notwithstanding any other provision of
9 this joint resolution except section 102, there are appropri-
10 ated to the Postal Service Fund sufficient amounts so that
11 postal rates for all preferred-rate mailers covered by section
12 3626 of title 39, United States Code, shall be continued at
13 the rates in effect on July 28, 1982 (step 13): *Provided*, That
14 mail for overseas voting and mail for the blind shall continue
15 to be free: *Provided further*, That six-day delivery and rural
16 delivery of mail shall continue at the 1982 level.

17 SEC. ~~116~~ 113. Funds appropriated in Public Law 97-
18 257 to the United States Fish and Wildlife Service for "Con-
19 struction and anadromous fish" and to the Office of Surface
20 Mining Reclamation and Enforcement for "Abandoned Mine
21 Reclamation Fund" shall remain available until expended.

22 SEC. ~~117~~ 114. Notwithstanding section 101(a)(4) of this
23 joint resolution, funds shall be available for the United States
24 Court of Appeals for the Federal Circuit at an annual rate
25 not to exceed \$4,146,000.

1 ~~SEC. 118.~~ Notwithstanding any other provision of law
2 or of this joint resolution, ~~AID/afr-C-1414, Agency for In-~~
3 ~~ternational Development, shall be extended for an additional~~
4 ~~three years.~~

5 ~~SEC. 119.~~ 115. Notwithstanding any other provision of
6 this joint resolution, there is appropriated \$36,500,000, to
7 remain available until expended, for Smithsonian Institution
8 “Construction” to carry out the provisions of Public Law
9 97-203 to construct a building for the Museum of African
10 Art and a gallery for Eastern art together with structures for
11 related educational activities in the area south of the original
12 Smithsonian Institution Building, including not to exceed
13 \$100,000 for services as authorized by 5 U.S.C. 3109: *Pro-*
14 *vided, that except for funds obligated or expended for plan-*
15 *ning, administration, and management expenses, and archi-*
16 *tectural or other consulting services, no funds herein appro-*
17 *priated shall be available for expenditure until such time as*
18 *the Chancellor of the Smithsonian Institution certifies that*
19 *all required matching funds are actually on hand or available*
20 *through legally binding pledges.*

21 ~~SEC. 120.~~ 116. Notwithstanding any other provision of
22 this joint resolution, there is appropriated \$242,118,000, to
23 remain available until expended, for Department of Energy
24 “Strategic Petroleum Reserve” to carry out the provisions of

1 Sections 151 through 166 of the Energy Policy and Conser-
2 vation Act of 1975 (Public Law 94-163).

3 SEC. ~~121~~ 117. Notwithstanding section 101(a)(4) of this
4 joint resolution, of the funds provided for the Salaries and
5 Expenses appropriation of the Small Business Administration
6 under this joint resolution, an annual rate of ~~\$14,000,000~~
7 *\$11,000,000* shall be available only for grants for Small
8 Business Development Centers as authorized by section 20(a)
9 of the Small Business Act, as amended.

10 SEC. ~~122~~ 118. ~~Notwithstanding section 101(a)(4) of this~~
11 ~~joint resolution, none of the funds provided by this joint reso-~~
12 ~~lution for the Legal Services Corporation shall be expended~~
13 ~~for any purpose prohibited or limited by or contrary to any of~~
14 ~~the provisions of H.R. 3480, as passed the House of Repre-~~
15 ~~sentatives on June 18, 1981. Notwithstanding section 101 of~~
16 *this joint resolution, none of the sums provided by this joint*
17 *resolution for the Legal Services Corporation shall be ex-*
18 *pended to provide legal assistance for or on behalf of any*
19 *alien unless the alien is a resident of the United States and*
20 *is—*

21 *(1) an alien lawfully admitted for permanent resi-*
22 *dence as an immigrant as defied by sections*
23 *101(a)(15) and 101(a)(20) of the Immigration and*
24 *Nationality Act (8 U.S.C. 1101(a) (15), (20));*

1 (2) an alien who is either married to a United
2 States citizen or is a parent or an unmarried child
3 under the age of twenty-one years of such a citizen and
4 who has filed an application for adjustment of status to
5 permanent resident under the Immigration and Na-
6 tionality Act, and such application has not been
7 rejected;

8 (3) an alien who is lawfully present in the United
9 States pursuant to an admission under section 207 of
10 the Immigration and Nationality Act (8 U.S.C. 1157,
11 relating to refugee admissions) or who has been
12 granted asylum by the Attorney General under such
13 Act; or

14 (4) an alien who is lawfully present in the United
15 States as a result of the Attorney General's withhold-
16 ing of deportation pursuant to section 243(h) of the
17 Immigration and Nationality Act (8 U.S.C. 1253(h)).
18 an alien who is lawfully present in the United States as a
19 result of being granted conditional entry pursuant to section
20 203(a)(7) of the Immigration and Nationality Act (8 U.S.C.
21 1153(a)(7)) before April 1, 1980, because of persecution or
22 fear of persecution on account of race, religion, or political
23 opinion or because of being uprooted by catastrophic natural
24 calamity shall be deemed, for purposes of section 1007(b)(11)
25 of the Legal Services Corporation Act, to be an alien de-

1 scribed in subparagraph (C) of such section: Provided fur-
2 ther, That none of the funds appropriated in this Act shall be
3 used by the Legal Services Corporation in making grants or
4 entering into contracts for legal assistance unless the Corpo-
5 ration insures that any recipient organized primarily for the
6 purpose of providing legal assistance to eligible clients is gov-
7 erned by a body at least 60 per centum of whose membership
8 consists of attorneys who are admitted to practice in the State
9 in which the legal assistance is to be provided and who are
10 appointed to terms of office on the governing body by the
11 governing bodies of State, county, or municipal bar associ-
12 ations the membership of which represents a majority of the
13 attorneys practicing law in the locality in which the recipient
14 is to provide legal assistance. An such attorney, while serving
15 on such board, shall not receive compensation from a recipi-
16 ent: Provided further, That none of the funds appropriated in
17 this Act shall be expended by the Corporation to participate
18 in litigation unless the Corporation or a recipient of the Cor-
19 poration is a party, or a recipient is representing an eligible
20 client in litigation in which the interpretation of this title or a
21 regulation promulgated under this title is an issue, and shall
22 not participate on behalf of any client other than itself: Pro-
23 vided further, That none of the funds appropriated in this Act
24 shall be available to any recipient to be used—

1 (A) to pay for any personal service, advertise-
2 ment, telegram, telephone communication, letter, print-
3 ed or written matter, or other device, intended or de-
4 signed to influence any decision by a Federal, State,
5 or local agency, except where legal assistance is pro-
6 vided by an employee of a recipient to an eligible client
7 on a particular application, claim, or case which di-
8 rectly involves the client's legal rights and responsibil-
9 ities, or

10 (B) to influence any Member of Congress or any
11 other Federal, State, or local elected official to favor or
12 oppose any Acts, bills resolutions, or similar legisla-
13 tion, or any referendum, initiative, constitutional
14 amendment, or any similar procedure of the Congress,
15 any State legislature, any local council, or any similar
16 governing body, except that this subsection shall not
17 preclude such funds from being used in connection
18 with communications made in response to any Federal,
19 State, or local official, upon the formal request of such
20 official: Provided further, That none of the funds ap-
21 propriated in this Act shall be used to bring a class
22 action suit against the Federal government or any
23 State or local government except in accordance with
24 policies or regulations adopted by the Board of Direc-
25 tors of the Legal Services Corporation.

1 SEC. ~~123~~ 119. No provision in any appropriation Act
2 for the fiscal year 1983 that makes the availability of any
3 appropriation provided therein dependent upon the enactment
4 of additional authorizing or other legislation shall be effective
5 before the date set forth in section 102(c) of this joint resolu-
6 tion.

7 SEC. 124. Notwithstanding any other provision of this
8 joint resolution, in the case of any employee of the Federal
9 Government who is indebted to the United States, as deter-
10 mined by a court of the United States in an action or suit
11 brought against such employee by the United States, the
12 amount of the indebtedness may be collected in monthly in-
13 stallments, or at officially established regular pay period in-
14 tervals, by deduction in reasonable amounts from the current
15 pay account of the individual. The deductions may be made
16 only from basic pay, special pay, incentive pay, or, in the
17 case of an individual not entitled to basic pay, other author-
18 ized pay. Collection shall be made over a period not greater
19 than the anticipated period of employment. The amount de-
20 ducted for any period may not exceed one-fourth of the pay
21 from which the deduction is made, unless the deduction of a
22 greater amount is necessary to make the collection within the
23 period of anticipated employment. If the individual retires or
24 resigns, or if his employment otherwise ends, before collec-
25 tion of the amount of the indebtedness is completed, deduc-

1 tion shall be made from later payments of any nature due to
2 the individual from the United States Treasury.

3 SEC. ~~125~~ 120. Of the ~~\$70,122,000~~ amounts available at
4 an annual rate under this joint resolution for the exchange
5 programs of the United States Information Agency,
6 ~~\$60,415,000~~ \$80,886,000 shall be available for the Fulbright
7 and International Visitor Programs, ~~\$2,620,000~~ \$3,147,000
8 shall be available for the Humphrey Fellowship Program and
9 ~~\$7,087,000~~ \$8,630,000 shall be available for the Private
10 Sector Programs.

11 SEC. ~~126~~ 121. None of the funds provided in this Joint
12 Resolution shall be obligated for any aspect of the processing
13 or issuance of permits or leases pertaining to exploration for
14 or development of coal, oil, gas, or geothermal resources on
15 Federal lands within any component of the National Wilder-
16 ness Preservation System or within any Forest Service
17 RARE II areas recommended for wilderness designation or
18 allocated to further planning in Executive Communication
19 1504, Ninety-Sixth Congress (House Document numbered
20 96-119); or within any lands designated by Congress as wil-
21 derness study areas.

22 SEC. ~~127~~ 122. No reduction in the amount payable to
23 any State under title IV of the Social Security Act with re-
24 spect to any of the fiscal years 1977 through 1982 shall be

1 made prior to the date on which this resolution expires on
2 account of the provisions of section 403(h) of such Act.

3 *SEC. 123. Notwithstanding any other provision of this*
4 *joint resolution except section 102, funds shall be available*
5 *for the special supplemental food program as authorized by*
6 *section 17 of the Child Nutrition Act of 1966 (42 U.S.C.*
7 *1786), at the rate and under the terms and conditions pro-*
8 *vided for in H.R. 7072 as reported to the Senate on Septem-*
9 *ber 22, 1982.*

10 *SEC. 124. Notwithstanding any other provision of law*
11 *or this joint resolution, except section 102, an amount for*
12 *those International Financial Institutions referred to in title*
13 *I of Public Law 97-121, the Foreign Assistance and Related*
14 *Program Appropriations Act, 1982, as is equal to the total*
15 *for such institutions in that title, may be allocated by the*
16 *President among those institutions in a manner which does*
17 *not exceed the limits established in authorizing legislation.*

18 *SEC. 125. Notwithstanding any other provision of law*
19 *except section 209(g) of the Highway Revenue Act of 1956 or*
20 *any other provision of this joint resolution, the authoriza-*
21 *tions, apportionments, and the obligation limitation for the*
22 *Federal-aid highways program made available for obligation*
23 *in fiscal year 1982 shall apply for fiscal year 1983 in the*
24 *same manner and to the same extent as enacted for fiscal*
25 *year 1982: Provided, That the interstate cost estimate and*

1 *the authorization for the one-half of 1 per centum minimum*
2 *apportionment in effect for fiscal year 1983 shall apply for*
3 *fiscal year 1984 in the same manner and to the same extent*
4 *as enacted for fiscal year 1983: Provided further, That the*
5 *interstate system authorization enacted in section 108(b) of*
6 *the Federal-aid Highway Act of 1956 as amended for fiscal*
7 *year 1984 shall not be affected by this section.*

8 *SEC. 126. Notwithstanding any other provision of this*
9 *joint resolution, except section 102, and notwithstanding any*
10 *other provision of law for payments to air carriers of so much*
11 *of the compensation fixed and determined by the Civil Aero-*
12 *navitics Board under section 419 of the Federal Aviation Act*
13 *of 1958, as amended (49 U.S.C. 1389), as is payable by the*
14 *Board, \$48,400,000 is appropriated to remain available*
15 *until expended, and such amounts as may be necessary to*
16 *liquidate obligations incurred prior to September 30, 1982,*
17 *under 49 U.S.C. 1376 and 1389: Provided, That, notwith-*
18 *standing any other provision of law, none of the funds hereaf-*
19 *ter appropriated by this joint resolution or any other Act*
20 *shall be expended under section 406 (49 U.S.C. 1376) for*
21 *services provided after September 30, 1982: Provided fur-*
22 *ther, That, notwithstanding any other provision of law or of*
23 *the previous provision of this paragraph, payments shall be*
24 *made from funds appropriated herein and in accordance with*
25 *the provisions of this paragraph to carriers providing, as of*

1 *September 30, 1982, services covered by rates fixed under*
2 *section 406 of the Federal Aviation Act (excluding services*
3 *covered by payments under section 419(a)(7) and services in*
4 *the State of Alaska): Provided further, That, notwithstanding*
5 *any other provision of law, such payments shall be based*
6 *upon rate orders applicable to such carriers as of July 1,*
7 *1982, but shall not exceed \$13,500,000 in the aggregate:*
8 *Provided further, That, notwithstanding any other provision*
9 *of law, to the extent necessary to meet this limitation, such*
10 *payments shall be reduced by a percentage which is the same*
11 *for all carriers eligible for such payments: Provided further,*
12 *That nothing in this joint resolution shall be deemed to pre-*
13 *vent the Board from granting an application under section*
14 *419(a)(11)(A) (49 U.S.C. 1389) pertaining to a carrier re-*
15 *ceiving compensation under this joint resolution, in which*
16 *event the standards and procedures set forth in section*
17 *419(a)(11)(A) shall apply.*

18 *SEC. 127. (a) Sections 308(g) and 308a(c) of title 37,*
19 *United States Code, are amended by striking out "Septem-*
20 *ber 30, 1982" and inserting in lieu thereof "March 31,*
21 *1983".*

22 *(b)(1) Section 301b(e) of title 37, United States Code,*
23 *is amended by striking out paragraph (2) and inserting in*
24 *lieu thereof the following:*

1 “(2) During the period beginning on October 14, 1981,
2 and ending on March 31, 1983, only agreements executed by
3 officers of the Navy or Marine Corps may be accepted under
4 this section.

5 “(3) During the period beginning on October 1, 1982,
6 and ending on March 31, 1983, only an agreement—

7 “(A) that is executed by an officer who—

8 “(i) has at least six but less than eleven
9 years of active duty;

10 “(ii) has completed the minimum service re-
11 quired for aviation training; and

12 “(iii) has not previously been paid special
13 pay authorized by this section; and

14 “(B) that requires the officer to remain on active
15 duty in aviation service for either three or four years;
16 may be accepted under this section. An officer from which an
17 agreement is accepted during such period may be paid an
18 amount not to exceed \$4,000 for each year covered by that
19 agreement if that officer agrees to remain on active duty for
20 three years or an amount not to exceed \$6,000 for each year
21 covered by that agreement if that officer agrees to remain on
22 active duty for four years. An agreement that requires an
23 officer to remain on active duty in aviation service for six
24 years may also be accepted during such period if the officer
25 meets the requirements of clause (A) of this paragraph and

1 *such officer has completed less than seven years of active*
2 *duty. An officer from whom such an agreement is accepted*
3 *may be paid an amount not to exceed \$6,000 for each year*
4 *covered by the agreement.*

5 *“(4) An officer may not receive incentive pay under*
6 *section 301 of this title for the performance of hazardous duty*
7 *for any period of service which the officer is obligated to serve*
8 *pursuant to an agreement entered into under this section.”.*

9 *(2) Section 301b(f) of title 37, United States Code, is*
10 *amended by striking out “September 30, 1982” and insert-*
11 *ing in lieu thereof “March 31, 1983”.*

12 *(3) The amendments made by subsections (a) and (b)*
13 *shall take effect on October 1, 1982.*

14 *(4)(A) It is the sense of the Congress that eligibility for*
15 *special pay for aviation career officers under section 301b of*
16 *title 37, United States Code, should be made available only*
17 *to officers who will likely be induced to remain on active duty*
18 *in aviation service by receipt of the special pay.*

19 *(B) The Secretary of the Navy shall submit to the Con-*
20 *gress not later than July 1, 1983, a written report, approved*
21 *by the Secretary of Defense, on the payment of special pay*
22 *for aviation career officers under section 301b of title 37,*
23 *United States Code, since October 1, 1982. Such report*
24 *shall include—*

1 (i) a list of the specific aviation specialties by air-
2 craft type determined to be critical for purposes of the
3 payment of special pay under such section since Octo-
4 ber 1, 1982;

5 (ii) the number of officers within each critical avi-
6 ation speciality who received the special pay under
7 such section since October 1, 1982, by grade, years of
8 prior active service, and amounts of special pay re-
9 ceived under such section;

10 (iii) an explanation and justification for the Sec-
11 retary's designation of an aviation speciality as "criti-
12 cal" and for the payment of special pay under section
13 301b of such title to officers who have more than eight
14 years of prior active service and who are serving in
15 pay grade O-4 or above, if payment of such pay was
16 made to such officers; and

17 (iv) an evaluation of the progress made since Oc-
18 tober 1, 1982, toward eliminating shortages of aviators
19 in the aviation specialties designated by the Secretary
20 as critical.

21 SEC. 128. Notwithstanding any other provision of this
22 joint resolution, there are appropriated \$296,500,000 to
23 carry out title V of the Older Americans Act of 1965, of
24 which not more than \$65,230,000 shall be for grants to
25 States under paragraph (3) of section 506(a) of such Act.

1 *SEC. 129. Notwithstanding any other provision of this*
2 *joint resolution, there are appropriated \$39,000,000 for fiscal*
3 *year 1983 to carry out section 317(j)(1) of the Public Health*
4 *Service Act, relating to preventive health service programs to*
5 *immunize children against immunizable diseases.*

6 *SEC. 130. (a) Notwithstanding any other provision of*
7 *this joint resolution, there are appropriated \$64,432,000 to*
8 *carry out title XV of the Public Health Service Act.*

9 *(b) Notwithstanding any other provision of law, no*
10 *funds appropriated by this joint resolution or any other Act*
11 *for fiscal year 1983 for any allotment, grant, loan, or loan*
12 *guarantee under the Public Health Service Act or the Com-*
13 *prehensive Alcohol Abuse and Alcoholism Prevention, Treat-*
14 *ment, and Rehabilitation Act of 1970 shall be subject to re-*
15 *duction under section 1521(d)(2) of the Public Health Serv-*
16 *ice Act during the period beginning on October 1, 1982, and*
17 *ending on the date specified in clause (c) of section 102.*

18 *SEC. 131. Notwithstanding any other provision of this*
19 *joint resolution, there are appropriated \$34,000,000 to carry*
20 *out section 786 of the Public Health Service Act.*

21 *SEC. 132. Amounts appropriated under section 101(b)*
22 *of this joint resolution (including amounts transferred from*
23 *the Federal Hospital Insurance Trust Fund or the Federal*
24 *Supplementary Insurance Trust Fund) shall be in addition*
25 *to the \$45,000,000 transferred from those trust funds for*

1 *fiscal year 1983 under section 118 of the Tax Equity and*
2 *Fiscal Responsibility Act of 1982.*

3 *SEC. 133. Notwithstanding section 306 of Public Law*
4 *96-272 or section 1132 of the Social Security Act, no pay-*
5 *ment shall be made, in or with respect to any fiscal year,*
6 *under this or any other Act, and no court shall award or*
7 *enforce any payment from amounts appropriated by this or*
8 *any other Act, to reimburse State or local expenditures made*
9 *prior to October 1, 1978, under title I, IV, X, XIV, XVI,*
10 *XIX, or XX of the Social Security Act, unless a request for*
11 *reimbursement had been officially transmitted to the Federal*
12 *Government by the State within one year after the fiscal*
13 *year in which the expenditure occurred.*

14 *SEC. 134. Notwithstanding any other provision of this*
15 *joint resolution, there are appropriated \$18,000,000 for fiscal*
16 *year 1983 to carry out the Runaway and Homeless Youth*
17 *Act.*

18 *SEC. 135. Notwithstanding any other provision of*
19 *law, of the funds appropriated for fiscal year 1983 to carry*
20 *out the Community Services Block Grant Act of 1981, not*
21 *more than 10 per centum of the funds allotted to each State*
22 *under section 674 of such Act shall be used for purposes other*
23 *than to make grants to eligible entities as defined in section*
24 *673(1) of such Act or to organizations serving seasonal and*
25 *migrant farmworkers or to designated limited purpose agen-*

1 *cies which meet the requirements of section 673(1) of such*
2 *Act.*

3 *SEC. 136. Notwithstanding any other provision of this*
4 *joint resolution, unobligated funds from fiscal year 1982 ap-*
5 *propriations provided for closeout activities of the Communi-*
6 *ty Services Administration are to remain available through*
7 *September 30, 1983.*

8 *SEC. 137. Notwithstanding any other provision of this*
9 *joint resolution, none of the appropriations and funds made*
10 *available and none of the authority granted pursuant to this*
11 *joint resolution shall be available for payments under section*
12 *5(b)(2) of Public Law 87-874, except to the extent necessary*
13 *to avoid undue hardship.*

14 *SEC. 138. Notwithstanding any other provision of this*
15 *joint resolution, there are appropriated \$50,000,000 to carry*
16 *out subpart 2 of part A of the Vocational Education Act of*
17 *1963, which is in addition to amounts appropriated under*
18 *this joint resolution.*

19 *SEC. 139. Notwithstanding any other provision of this*
20 *joint resolution or section 512(b) of the Omnibus Budget*
21 *Reconciliation Act of 1981, there are appropriated*
22 *\$9,000,000 for fiscal year 1983 to carry out subpart 2 of*
23 *part H of title XIII of the Education Amendments of 1980*
24 *and section 528(5) of the Omnibus Education Reconciliation*

1 *Act of 1981, which shall remain available for obligation until*
2 *September 30, 1988.*

3 *SEC. 140. Notwithstanding any other provision of this*
4 *joint resolution, there is hereby appropriated \$5,000,000*
5 *under title III of the United States Public Health Service*
6 *Act for Nursing Research activities.*

7 *SEC. 141. Section 93 of title 14, United States Code,*
8 *is amended by (1) striking out "and" at the end of subsection*
9 *(p); (2) striking out the period at the end of subsection (q)*
10 *and inserting in lieu thereof "; and"; and (3) adding at the*
11 *end thereof the following new subsection: "(r) provide medical*
12 *and dental care for personnel entitled thereto by law or regu-*
13 *lation, including care in private facilities."*

14 *SEC. 142. None of the funds appropriated under this*
15 *joint resolution may be used by the Federal Trade Commis-*
16 *sion for the purpose of investigating, issuing any order con-*
17 *cerning, promulgating any rule or regulation with respect to,*
18 *or taking any other action (other than one that is already the*
19 *subject of litigation in the courts of the United States on or*
20 *before the date of enactment of this Resolution) against any*
21 *State licensed and regulated profession (as that term would*
22 *apply under the definition in 29 U.S.C. 152(12)) of the*
23 *local, State or national nonprofit membership associations*
24 *thereof.*

1 *SEC. 143. Notwithstanding any other provision of this*
2 *joint resolution, except section 102, funds shall be available*
3 *for the United States Travel and Tourism Administration at*
4 *an annual rate of \$7,600,000: Provided, That the number of*
5 *offices in foreign countries and the number of employees as-*
6 *signed to such offices in foreign countries, and obligations for*
7 *the activities of such office in foreign countries, shall not be*
8 *less than the numbers and amounts for fiscal year 1982.*

9 *SEC. 144. Notwithstanding any other provision of this*
10 *joint resolution, the head of any department or agency of the*
11 *Federal Government in carrying out any loan guarantee or*
12 *insurance program shall enter into commitments to guarantee*
13 *or insure loans pursuant to such program in the full amount*
14 *provided by law subject only to (1) the availability of quali-*
15 *fied applicants for such guarantee or insurance, and (2) limi-*
16 *tations contained in appropriation Acts.*

17 *SEC. 145. No change in the regulations subject to the*
18 *moratorium required by section 135 of Public Law 97-248*
19 *shall be promulgated in final form until one hundred and*
20 *twenty days after the expiration of the moratorium, during*
21 *which period the Department of Health and Human Services*
22 *shall seek public review and comment on any such proposed*
23 *regulations and consult with the appropriate Committee of*
24 *Congress.*

1 *SEC. 146. (a) Notwithstanding any other provision of*
2 *law to the contrary, the Secretary of Agriculture shall have*
3 *the authority to conduct boundary surveys of National Forest*
4 *System lands.*

5 *(b) The Secretary of Agriculture should jointly develop*
6 *with the Secretary of the Interior, within one hundred and*
7 *eighty days of enactment of this section, procedures to con-*
8 *duct boundary surveys of National Forest System lands.*

9 *(c) So much of the personnel, properties, records, and*
10 *unexpended balances of appropriations, allocations, and other*
11 *funds employed, used, held, available or to be made available,*
12 *in connection with the performance by the Department of the*
13 *Interior of boundary surveys of National Forest System*
14 *lands as the Director of the Office of Management and*
15 *Budget shall determine, shall be transferred within one hun-*
16 *dred and twenty days of enactment of this section to the ap-*
17 *propriate agency, or component, of the Department of Agri-*
18 *culture, except that no such unexpended balances transferred*
19 *shall be used for the purposes other than those for which the*
20 *appropriation was originally made.*

21 *SEC. 147. Notwithstanding any other provision of this*
22 *joint resolution or any other provision of law, appropriations*
23 *for urban and nonurban formula grants authorized by the*
24 *Urban Mass Transportation Act of 1964 (49 U.S.C. 1601 et*

1 *seq.) shall be apportioned and allocated using data from the*
2 *1980 decennial census.*

3 *SEC. 148. Notwithstanding any other provision of this*
4 *joint resolution, for necessary expenses for the National Oce-*
5 *anic and Atmospheric Administration (NOAA) to operate the*
6 *civilian land remote sensing satellite system (LANDSAT),*
7 *\$13,555,000 above the rate provided by section 101(a) of this*
8 *joint resolution, shall remain available until expended.*

9 *SEC. 149. Of the amounts appropriated to the Depart-*
10 *ment of State for the purposes of "Contributions for Interna-*
11 *tional Peacekeeping Activities" not more than \$50,000,000*
12 *shall be available for expenses necessary for contributions to*
13 *a United Nations Transition Assistance Group, notwith-*
14 *standing section 15(a) of the State Department Basic Au-*
15 *thorities Act of 1956 or any other provision of law: Provided,*
16 *That none of these funds shall be obligated or expended for*
17 *contributions to the United Nations Transition Assistance*
18 *Group unless the President determines and reports to the*
19 *Congress that adequate agreement has been achieved among*
20 *the parties to the Namibia dispute concerning implementa-*
21 *tion of United Nations Security Council Resolution 435 for*
22 *the independence of Namibia.*

23 *SEC. 150. Notwithstanding any other provisions of this.*
24 *joint resolution, \$365,000 shall be made available for the*
25 *National Security Council, effective October 1, 1982, for the*

1 *operations of the President's Foreign Intelligence Advisory*
2 *Board and the President's Intelligence Oversight Board.*

3 *SEC. 151. \$5,200,000 of the funds appropriated to the*
4 *National Endowment for the Humanities for "Salaries and*
5 *expenses" in Public Law 97-100 are hereby transferred to*
6 *"Matching Grants" for the purposes of section 7(h) of the*
7 *National Foundation on the Arts and the Humanities Act of*
8 *1965, as amended. Such funds shall remain available until*
9 *September 30, 1984.*

10 *SEC. 152. (a) Section 4109 of title 5, United States*
11 *Code, is amended by adding at the end thereof the following*
12 *new subsection:*

13 *"(c) Notwithstanding subsection (a)(1) of this section,*
14 *the Administrator, Federal Aviation Administration, may*
15 *pay an individual training to be an air traffic controller of*
16 *such Administration, during the period of such training, at*
17 *the applicable rate of basic pay for the hours of training offi-*
18 *cially ordered or approved in excess of forty hours in an ad-*
19 *ministrative workweek."*

20 *(b) Section 5532 of title 5, United States Code, is*
21 *amended by adding at the end thereof the following new sub-*
22 *section:*

23 *"(f)(1) Notwithstanding any other provision of law, the*
24 *retired or retainer pay of a former member of a uniformed*
25 *service shall not be reduced while such former member is tem-*

1 *porarily employed, during the period described in paragraph*
2 *(2) or any portion thereof, under the administrative authority*
3 *of the Administrator, Federal Aviation Administration, to*
4 *perform duties in the operation of the air traffic control*
5 *system or to train others to perform such duties.*

6 “(2) *The provisions of paragraph (1) of this subsection*
7 *shall be in effect for any period ending not later than Decem-*
8 *ber 31, 1984, during which the Administrator, Federal Avi-*
9 *ation Administration, determines that there is an unusual*
10 *shortage of air traffic controllers performing duties under the*
11 *administrative authority of such Administrator.”.*

12 “(c)(1) *Chapter 55 of title 5, United States Code, is*
13 *amended by inserting after section 5546 the following new*
14 *section:*

15 ***“§ 5546a. Differential pay for certain employees of the Fed-***
16 ***eral Aviation Administration***

17 “(a) *The Administrator of the Federal Aviation Admin-*
18 *istration (hereafter in this section referred to as the ‘Adminis-*
19 *trator’)* may pay premium pay at the rate of 5 per centum of
20 *the applicable rate of basic pay to—*

21 “(1) *any employee of the Federal Aviation Ad-*
22 *ministration who is—*

23 “(A) *occupying a position in the air traffic*
24 *controller series classified not lower than GS-9*

1 *and located in an air traffic control center or ter-*
2 *minal or in a flight service station;*

3 *“(B) assigned to a position classified not*
4 *lower than GS-09 or WG-10 located in an*
5 *airway facilities sector; or*

6 *“(C) assigned to a flight inspection crew-*
7 *member position classified not lower than GS-11*
8 *located in a flight inspection field office,*
9 *the duties of whose position are determined by the Ad-*
10 *ministrator to be directly involved in or responsible for*
11 *the operation and maintenance of the air traffic control*
12 *system; and*

13 *“(2) any employee of the Federal Aviation Ad-*
14 *ministration who is assigned to a flight test pilot posi-*
15 *tion classified not lower than GS-12 located in a*
16 *region or center, the duties of whose position are deter-*
17 *mined by the Administrator to be unusually taxing,*
18 *physically or mentally, and to be critical to the ad-*
19 *vancement of aviation safety.*

20 *“(b) The premium pay payable under any subsection of*
21 *this section is in addition to basic pay and to premium pay*
22 *payable under any other subsection of this section and any*
23 *other provision of this subchapter.”.*

1 (2) *The analysis of chapter 55 of such title is amended*
2 *by inserting after the item relating to section 5546 the follow-*
3 *ing new item:*

“5546a. Differential pay for certain employees of the Federal Aviation Administra-
tion.”.

4 (d) *Section 5546a of title 5, United States Code (as*
5 *added by section 152(c) of this joint resolution), is amended*
6 *by adding at the end thereof the following new subsections:*

7 “(c)(1) *The Administrator may pay premium pay to*
8 *any employee of the Federal Aviation Administration who—*

9 “(A) *is an air traffic controller located in an air*
10 *traffic control center or terminal;*

11 “(B) *is not required as a condition of employment*
12 *to be certified by the Administrator as proficient and*
13 *medically qualified to perform duties including the sep-*
14 *aration and control of air traffic; and*

15 “(C) *is so certified.*

16 “(2) *Premium pay paid under paragraph (1) of this*
17 *subsection shall be paid at the rate of 1.6 per centum of the*
18 *applicable rate of basic pay for so long as such employee is so*
19 *certified.*

20 “(d)(1) *The Administrator may pay premium pay to*
21 *any air traffic controller of the Federal Aviation Administra-*
22 *tion who is assigned by the Administrator to provide on-the-*
23 *job training to another air traffic controller while such other*

1 *air traffic controller is directly involved in the separation and*
2 *control of live air traffic.*

3 “(2) *Premium pay paid under paragraph (1) of this*
4 *subsection shall be paid at the rate of 10 per centum of the*
5 *applicable hourly rate of basic pay times the number of hours*
6 *and portion of an hour during which the air traffic controller*
7 *of the Federal Aviation Administration provides on-the-job*
8 *training.*

9 “(e)(1) *The Administrator may pay premium pay to*
10 *any air traffic controller or flight service station specialist of*
11 *the Federal Aviation Administration who, while working a*
12 *regularly scheduled eight-hour period of service, is required*
13 *by his supervisor to work during the fourth through sixth*
14 *hour of such period without a break of thirty minutes for a*
15 *meal.*

16 “(2) *Premium pay paid under paragraph (1) of this*
17 *subsection shall be paid at the rate of 50 per centum of one-*
18 *half of the applicable hourly rate of basic pay.*

19 “(f)(1) *The Administrator shall prescribe standards for*
20 *determining which air traffic controllers and other employees*
21 *of the Federal Aviation Administration are to be paid premi-*
22 *um pay under this section.*

23 “(2) *The Administrator may prescribe such rules as he*
24 *determines are necessary to carry out the provisions of this*
25 *section.”.*

1 (e) Section 5547 of title 5, United States Code, is
2 amended by adding at the end thereof the following: "The
3 first sentence of this section shall not apply to any employee
4 of the Federal Aviation Administration who is paid premium
5 pay under section 5546a of this title."

6 (f) Section 8339(e) of title 5, United States Code, is
7 amended by inserting before the period "unless such
8 employee has received, pursuant to section 8342 of this title,
9 payment of the lump-sum credit attributable to deductions
10 under section 8334(a) of this title during any period of em-
11 ployment as an air traffic controller and such employee has
12 not deposited in the Fund the amount received, with interest,
13 pursuant to section 8334(d) of this title".

14 (g) Section 8344 of title 5, United States Code, is
15 amended by adding at the end thereof the following new sub-
16 section:

17 "(h)(1) Subject to paragraph (2) of this subsection, sub-
18 sections (a), (b), (c), and (d) of this section shall not apply to
19 any annuitant receiving an annuity from the Fund while
20 such annuitant is employed, during any period described in
21 section 5532(f)(2) of this title or any portion thereof, under
22 the administrative authority of the Administrator, Federal
23 Aviation Administration, to perform duties in the operation
24 of the air traffic control system or to train other individuals
25 to perform such duties.

1 “(2) Paragraph (1) of this subsection shall apply only
2 in the case of any annuitant receiving an annuity from the
3 Fund who, before August 3, 1981, applied for retirement or
4 separated from the service while being entitled to an annuity
5 under this chapter.”.

6 (h)(1) The amendments made by subsections 152 (b),
7 (c), (e), and (g) of this joint resolution shall take effect at 5
8 o'clock ante meridian eastern daylight time, August 3, 1981.

9 (2) The amendments made by the subsection 152(a) and
10 subsection 152(d) of this joint resolution shall take effect on
11 the first day of the first applicable pay period beginning after
12 the date of the enactment of this joint resolution.

13 (3) The amendment made by subsection 152(f) of this
14 joint resolution shall take effect on the date of the enactment
15 of this joint resolution.

Passed the House of Representatives September 22,
1982.

Attest:

Clerk.

Calendar No. 850

97TH CONGRESS
2D SESSION

H. J. RES. 599

[Report No. 97-581]

JOINT RESOLUTION

Making continuing appropriations for the fiscal year
1983, and for other purposes.

SEPTEMBER 23 (legislative day, SEPTEMBER 8), 1982

Read twice and referred to the Committee on
Appropriations

SEPTEMBER 23 (legislative day, SEPTEMBER 8), 1982

Reported with amendments